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July 5, 2022

**VIA ECF**

Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

Re: *Denny Martin v. Berkshire Life Insurance Company of America*  
Civ. Action No.: 20 CV 10428 (JMF)  
RR File No.: 5072-42

Dear Judge Furman,

This office represents the Defendant, Berkshire Life Insurance Company of America ("Berkshire"). We write today to respectfully request a slight modification to the Dispositive Motion Schedule as set forth in Your Honor's Individual Practices and Procedures.

Berkshire intends to file a dispositive motion. Pursuant to the Court's rules, the dispositive motion would be due on July 13, 2022. Unfortunately, our plans to commence work on the motion were hampered by my sudden illness that required two surgical procedures and kept me out of the office for nearly one month. I have only recently returned to work. We have advised plaintiff's counsel of our intention to file the motion. We have reached out to plaintiff's counsel to discuss a briefing schedule. We emailed a version of this letter to counsel and have left several phone messages at counsel's office. Counsel has not responded. Given the approaching deadlines, we felt it was necessary to advise the Court no later than today of our intentions. We had proposed the following schedule to plaintiff's counsel.

Berkshire's Motion:	August 3, 2022
Plaintiff's Opposition:	August 31, 2022
Berkshire's' Reply:	September 12, 2022.



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Berkshire respectfully requests that the Court approve the proposed schedule, or provide the parties time to discuss a joint briefing schedule for approval by the Court. Your attention to this matter is greatly appreciated.

Respectfully submitted,

*Jay D. Kenigsberg*

Attorney for Defendant  
Berkshire Life Insurance Company of America

cc: Ira Lipsius, Esq.  
Attorney for plaintiff Dr. Denny Martin

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Application GRANTED. No further extensions are likely to be granted. The Clerk of Court is directed to terminate ECF No. 55. SO ORDERED.



July 5, 2022